IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 409 OF 2002.

Panchagani Nagarparishad. ... Appellant.

V/s.

Avinash Shridhar Vardekar & Ors.... Respondents.

AND

FIRST APPEAL NO. 410 OF 2002.

Panchagani Nagarparishad. ... Appellant.

V/s.

V.S.Datar (deceased)through
his heirs & Ors. ... Respondents.

Shri P.B.Shah, advocate for the appellant in both the appeals.

Shri S.A.Sawant, advocate for respondent No.1 in both the appeals.

Shri K.K.Tated, AGP for Respondents No.2 and 3 in both the appeals.

CORAM : S.B.MHASE &
D.B.BHOSALE,JJ

DATE: FEBRUARY 1, 2005.

P.C. :

1. These are the first appeals filed by the Panchgani Nagar Parishad challenging the order passed by the Reference Court. Lands of the respondents in the respective appeals have been

acquired for the purpose of garden. Therefore, Panchgani Nagar Parishad is acquiring body and initially awarded amount and enhanced compensation is required to be paid by acquiring body. The State Government is a party-simplicitor and statutory agency to acquire the land for the purpose of Panchgani Nagar Parishad and there is no monetary liability on State Government to make any payment of amount initially awarded and/or of the enhanced amount.

2. Panchgani Nagar Parishad, namely, Acquiring Body and the respondents in the respective appeals have settled the matters and consent terms have been submitted to this court. On behalf of the Panchagani Nagar Parishad, Chief Officer Mr. Rajendra Chavan is present in the court and he states that the appellant Municipal Council has passed a Resolution No.528 on 20/1/2005 giving him authority to compromise the matter. On behalf of Respondent No.1 Shri Chandrashekhar Kelkar who is Power of attorney holder of original respondent and his heirs is present and he states that he has willingly and voluntarily entered into settlement with Panchagani Nagarparishad. Both the counsel submit

that as the consent terms are accepted, impugned decree in challenge be set aside and instead of that, decree in terms of consent terms be passed. Since we have found that the consent terms have been arrived at between the parties without any pressure and influence, we accept the consent terms in both the appeals. The consent terms are taken on record in both the appeals and marked "X" for identification. We set aside the impugned Judgment and order in both the appeals and instead of that substitute the decree in terms of consent terms in respective first appeals. Respective first appeals are accordingly disposed of.

(D.B.BHOSALE,J) **(S.B.MHASE,J)**

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